



**“The City With a Heart”**

Larry Franzella, Mayor  
Jim Ruane, Vice Mayor  
Ken Ibarra, Councilmember  
Irene O’Connell, Councilmember  
Chris Pallas, Councilmember

## **MINUTES**

### **CITY COUNCIL REGULAR MEETING**

**May 24, 2005**

#### **THIS IS TO CERTIFY THAT:**

The San Bruno City Council met in regular session on May 24, 2005, at 1555 Crystal Springs Road (Senior Center) and the meeting was called to order at 7:00 p.m.

Mayor Franzella thanked the **San Bruno Garden Club** for providing the beautiful floral arrangement.

**1. ROLL CALL:** Presiding was Mayor Franzella with Councilmembers Ruane, Pallas, Ibarra, and O’Connell in attendance. Recording by Clerk Simon. City Manager Jackson let the Pledge of Allegiance.

#### **PRESENTATIONS:**

**Chair of the Beautification Task Force, Councilmember Irene O’Connell**, presented highlights of the “**Operation Clean Sweep**” event that was held Saturday May 7, 2005. Recognition of volunteers and sponsors were made and a brief video that was produced by Steve Firpo of Cable TV was shown.

**Councilmember O’Connell** said this is the 7<sup>th</sup> year of the event and we are very proud of all the people who worked so hard to make it very successful. Special recognition was given to Norma Elias, Tammy Del Bene, Sally Calvert, Melody Tobin, Joan Burwell, Steve Firpo, Scott Munns, Jim O’Leary, and Lee Violet. There was 3000 pounds of garbage collected and 400 pounds were recycled. Mayor Franzella thanked Councilmember O’Connell and the Beautification Task Force for such a great project and all the hard work that went into it.

**Councilmember Pallas** asked if young volunteers could obtain credit for community service performed and Councilmember O’Connell replied yes, certificates are sent to all those requesting verification of community service performed.

**Councilmember O’Connell** said “Rebuilding Together” recently did a makeover of the Volunteer Firemen’s Hall on San Mateo Avenue and the Chamber of Commerce office. On June 16, 2005, at 5:00 p.m. 618 San Mateo Avenue, there will be a grand re-opening so the public can see how nice it looks inside now that improvements are complete.

#### **ANNOUNCEMENTS:**

- a. P G & E will hold a Public Information Meeting for the **Jefferson-Martin 230kV Transmission Line** construction schedule and impacts on Wednesday May 25, 2005, from 6:30 p.m. to 8:30 p.m. Location is at the Crestmoor Elementary School, 2322 Crestmoor Drive Multi-Purpose Room.
- b. **65<sup>th</sup> ANNUAL “POSY PARADE”** sponsored by the San Bruno Lions Club will be held Sunday June 5, 2005. This year’s theme is **SAN BRUNO A CITY WITH A HEART**.

#### **2. REVIEW OF AGENDA:**

**Mayor Franzella** moved up item 12. b. to be heard after item number 5. (Public hearings)

**3. APPROVAL OF MINUTES:** The regular City Council meeting minutes of May 10, 2005, were approved with a correction to page 4 of 7 after item 9.c. wording added Vice Mayor Ruane introduced the resolution with a roll call vote of all ayes.

**4. CONSENT CALENDAR:** All items listed are considered routine or implement an earlier Council action and may be enacted by one motion; there will be no separate discussion unless requested by Councilmember, citizen or staff.

**a. Approve: Payroll** of May 6, 2005.

**b. Approve: Accounts Payable** of April 25, May 2, and May 9, 2005. (Council Packets Only, copy is available for review at the City Clerk's office.)

**c. Accept: Reconciliation of General Ledger** to bank reports and the **Investment** reports dated April 30, 2005, by City Treasurer Karen Hornung.

**d. Approve: Out of State travel** for CATV Technical Supervisor to attend the Society of Cable Telecommunication Engineers Cable-Tec Expo in San Antonio, Texas from June 15–18, 2005.

**e. Approve: Adopt resolution** approving tentative agreement between the City of San Bruno and the **San Bruno Professional Fire Fighters Association** and establishing a Memorandum of Understanding and authorizing execution by the City Manager.

**f. Approve: Accept donation from SummerHill Homes** in the amount of \$10,000 to fund Public Art for Civic Gateways.

**Mayor Franzella** pulled item e. and f. **M/S Ruane/Ibarra** to approve the remainder of the consent items and passed with a unanimous vote.

**Item 4.e.** Mayor Franzella stated he pulled this item in order to say how pleased the City was to have reached an agreement and he thanked the Firefighters Association and City staff especially Barbara Santos, Human Resources Manager for all the hard work. **M/S Franzella/Ibarra** to approve item 4. e. and passed with a unanimous vote.

**Item 4.f.** Mayor Franzella stated he pulled this item to clarify SummerHill homes donated these funds to enable the City to work on an entrance way marker to be installed after recommendations of the Culture and Arts Commission. He thanked SummerHill Homes for the very generous donation.

**M/S Franzella Ibarra** to approve acceptance of donation and passed with a unanimous vote.

**5. PUBLIC HEARINGS:** (Notices have been published, posted, and mailed.)

**a.** Hold public hearing for an appeal of a Planning Commission decision to approve an addition to property located at **758 Cherry Avenue San Bruno, CA 94066**. Permit Number: UP-05-07. Conditional Use Permit to allow construction of an addition, which proposes to increase the Gross Floor Area by more than 50% and whose second story plane is not setback at least five feet further than the front setback of the first story per Sections 12.200.030.B.1 and 12.200.040.B.2 of the San Bruno Zoning Ordinance.

Staff report was given by Senior Planner Aknin who recommended the City Council deny the appeal and uphold the decision of the Planning Commission.

**Appellant Matthew Parrish** stated the appeal was in two parts, first, proper notice was not given to the neighborhood and second, his sunlight will be effected by this addition. He was not able to review the plans until he showed up at the Planning Commission meeting. He has installed a new bathroom window in his home and now the neighbor will be able to view him taking a shower. The addition will cause a casting of shadows onto his property. He has letters from two neighbors on Cherry Avenue who are opposed to this addition.

**Lincoln Lue** Architect for applicants Jeff Wong & Kit Tang stated the existing home is only 2 bedrooms and 1 bathroom and does not meet the needs of the family. There is 43 feet from their home to the neighbors in the rear and will not have a negative impact. He has a letter of support from the owners of 762 Cherry Avenue, Mr. and Mrs. Richardson.

**Councilmember Ibarra** asked if the home has been vacant and in disrepair? Mr. Lue replied the home has not been vacant and is not in disrepair. Statements were made that the owners do not use their backyard and the fence belongs to both the appellant and applicant and either party could have completed the repair to the fence. His clients are responsible homeowners.

**Mayor Franzella** opened the public hearing.

**Deana Tomei** 753 Chestnut Avenue, said second story additions prevent privacy to neighbors backyards. Mills Park was built for single-family use and recent additions are being used for multi-family use. The applicant should extend home on the ground level and abandon the existing plans.

**Alice Chetcutti** of Chestnut Avenue said she is concerned that home will be too big and will look over into her yard. Samtrans will use Chestnut Avenue instead of Cherry due to the construction activity.

**M/S Pallas/Ibarra** to close the public hearing and passed with a unanimous vote.

**Vice Mayor Ruane** asked staff if effects on sunlight and shadows were grounds to deny a use permit or must the Council use set backs and square footage?

City Attorney Thompson replied light and air is a factor, which could be considered but is not a required finding. If there is an **undo impact** on an adjacent property, controls could be added.

**Councilmember Pallas** asked about claims of being able to look into someone's windows.

City Attorney Thompson said anyone living next-door will have some infringement upon one another's privacy.

**Councilmember Ibarra** asked the appellant what he feels is a substantial elevation change and how the shade would be much more significant than a single level? The applicant has a forty-foot backyard and the appellant has 25 feet so we are talking about almost 70 feet between structures.

Mr. Parrish said shade would affect the temperature of his backyard and his enjoyment of his property.

Councilmember **O'Connell** said she lives on Acacia Avenue in Mills Park and her property faces east and has a second story addition. Her home cast no shadow on the neighbor in the rear.

**Mayor Franzella** said the addition is only 751 square feet and some have called this a huge structure. In reality it will be a total of 2100 square feet, which is not a giant house.

**Councilmember Ibarra** said the neighbors have enjoyed one-story homes for many years but the future calls for more second story additions, so people can have enough space for their growing families.

**Appellant Parrish** said the Council has received feedback from at least six of the neighbors expressing concerns about this addition and this should be taken into consideration.

**Councilmember Ibarra** asked how many neighbors spoke at the Planning Commission hearing? Senior Planner Aknin replied only the appellant Mr. and Mrs. Parrish spoke against the project.

**M/S O’Connell/Ruane** to uphold the decision of the Planning Commission and deny the appeal and passed by unanimous vote.

- b.** Hold Public Hearing and introduce resolution amending the **Master Fee Schedule**, establishing fees for a variety of municipal services.

Finance Director O’Leary gave the staff report and the annual review of fees charged by the City. New fees include an “inspection of residence fee”, in order for the City Clerk to issue an animal permit for the housing of more than 2 dogs, 4 cats, and other large numbers of animals. There will be a new fee for development activity on pre-application review. There will be a business license application fee on a one-time basis for first time requests. Also, there will be a charge to run a report of all business licenses. New care facilities inspection fee will be included. The fee for Internet use at the library by non-residents will be eliminated. Rental fees for recreation activities will increase along with a new alcohol permit fee. (**City Clerk’s note**, the staff report indicates recreational fees were approved by the Parks and Recreation Commission and should read the Commission reviewed the fees.) If approved, the amendments would amount to approximately a \$31,000 per year increase to the General Fund.

**Councilmember O’Connell** asked why in-town businesses were being charged more for business tax services than out-of-town? Mr. O’Leary replied the in-town businesses require more processing time and sometimes-special inspections such as fire and planning departments plus zoning review.

**Councilmember Ibarra** said under Community Development, only 40 hours of pre-applications work for projects was proposed and he feels this figure is very conservative. Mr. O’Leary said we will begin to recoup cost and can adjust later and yes these were very conservative figures.

**Councilmember Ibarra** asked if the Parks and Recreation department just did an across the board 10% increase or did they look at each item to determine the cost to provide the service? The concession stand fee will go up \$70 for non-profit groups and does staff agree with this increase?

Parks & Recreation Services Director Mazzuca replied this is not an across the board increase. Some fees did not go up such as Senior Center fees. Some went up 3% or 8% and others 13% for an average of 10%. Repair and upgrades to the concession stand continue and require an increase in fee at this time.

**Councilmember Pallas** said we should be reducing fees not raising them. We are losing money because of our past decisions and should not nickel and dime our people. We should be more efficient.

**Mayor Franzella** opened the public hearing and no one wished to address the Council.

**M/S Ruane/Ibarra** to close the public hearing and passed with a unanimous vote.

**Vice Mayor Ruane** introduced the resolution for adoption with a roll call vote of Ayes, Franzella, Ruane, O’Connell, and Ibarra and No, Pallas.

#### **Item 12. b. was taken at this time “Options to Honor Veterans”.**

**Recreation Services Manager Brewer** gave the staff report and the citizen committee’s priority recommendations. The top two options were, first, rename Sneath Lane to Veterans Way beginning at the span from Huntington Avenue to Highway 280 extending into the small road entering Golden Gate National Cemetery; second, rename the War Memorial Recreation Center to Veteran’s Memorial Recreation Center.

**Richard Dunbar** American Legion Post 409, and a 45-year resident of San Bruno. Strongly urged the City Council to approve renaming Sneath Lane to Veterans Way. In addition to the National Cemetery

and the former Naval and Marine sites, Sneath Lane will be hosting a Veterans clinic soon. He invited the entire City Council to attend the Memorial Day program this Monday May 30, 2005.

**Tony Yanquinto** First Marine Divisions of No. California, a 25-year resident of San Bruno strongly supports all projects recommended. San Bruno is a City with a Heart and has many military units. Veterans have already served their country, now we should ask how we could serve veterans.

**Rico Medina** Chair of the Parks and Recreations Commission, Green Avenue, said the Commission unanimously supports these recommendations and this is the right time to honor our veterans.

**Carolyn Livengood** of Sheryl Drive said she is not a veteran but supports all veteran groups and the Golden Gate Cemetery. All of the citizen group members support the name change from Sneath Lane to Veterans Way. The remaining part of Sneath Lane from I-280 to Sweeny Ridge would remain and continue to recognize the important contribution and history of the Sneath Family. We have been waiting a long time to do something for the veterans and this request should be considered very strongly.

**Rose Urbach** of Euclid Avenue agrees with the request to rename Sneath Lane to Veterans Way.

**Councilmember Pallas** said it was also important to change the name at the recreation center from the War Memorial Building to the Veterans Memorial Building.

**Tom Lara** of Parkview Drive is a veteran and can remember the City Council talking about this when he first moved to San Bruno. The committee feels it would be appropriate to first rename Sneath Lane to Veterans Way and then change the War Memorial Building to Veterans Memorial Building.

**Vice Mayor Ruane** said the committee should be commended for all their hard work and as a veteran himself he feels just driving down Sneath Lane across from the Cemetery, helps him remember veterans. He has a preference that the Recreation Center be named the Veterans Memorial Building and feels the many residents driving by it daily would be inspired to give recognition to our veterans.

**Councilmember Ibarra** said he also wants to congratulate the committee for a great job. He likes all the recommendations and the veterans should have final say as to what is to be done. He feels the break in Sneath Lane at I-280 would be an appropriate place to start the new name.

**Councilmember O'Connell** agrees with the renaming of Sneath Lane to Veterans Way and renaming the War Memorial Building and to have scheduled events leading up to the 50<sup>th</sup> Anniversary of the Recreation Center building.

**Bob Greenberg** a veteran of foreign wars and Parks and Recreation Commissioner said he would prefer to wait until next year to change the name of the War Memorial Building in conjunction with the 50<sup>th</sup> anniversary and this year change the name on Sneath Lane to Veterans Way.

**Mayor Franzella** said we have tried to incorporate in this process, all groups that may be affected; however, the merchants on Sneath Lane have not been notified of this proposal to rename Sneath Lane. This would be a courtesy and important to informed them since it may take time to change stationery and yellow page ads. Staff should obtain feedback from Sneath Lane merchants and determine what is needed to change the name of the War Memorial Building. All focus should be on these two proposals.

**Councilmember Pallas** said he does not feel there would be a problem with the merchants and there are none on the North side of Sneath Lane and only a few buildings on the South side. Very few will be affected and we will be honoring over 100,000 veterans and any hardship would be minimal.

**M/S Pallas/Ibarra** to have staff change the name of Sneath Lane to Veterans Way from Huntington Avenue to I-280 and change the name of the War Memorial building to Veterans Memorial building at the appropriate time.

**Councilmember Ibarra** said we should give a common courtesy notice to the merchants on Sneath Lane.

**Mayor Franzella** said while he supports the proposals in the motion, it is only common courtesy to notice the merchants on Sneath Lane who are running a business and should have consideration first.

**Maker and Second**, amended the motion to include all property owners and merchants affected would be notified for feedback and this item would be back on a future Council agenda for discussion. Motion passed with a unanimous vote.

## **6. UNFINISHED BUSINESS:**

City Attorney Thompson presented preliminary language to be used for the November 8, 2005, General Municipal Election **Ballot Measure** regarding the use of “Safe and Sane” fireworks. City Attorney Thompson said she is looking for Council guidance and input on the most effective way to present this information to the voters and will return on June 14<sup>th</sup>, 2005, with final language.

**Mayor Franzella** said he read the report but feels the simpler and clearer the question the better for the voters. “Should the City of San Bruno allow fireworks?” yes means Yes and No means No. If they vote yes they are voting for fireworks and if they vote no they are voting against using them.

**Vice Mayor Ruane** said he agrees, he wants it plain and simple so there is no question later.

**Councilmember Pallas** said we should use “Do you want the City of San Bruno to continue selling state approved safe and sane fireworks?” period. This has worked in other cities.

City Attorney Thompson said there are a number of options and it would be best to bring back the possible alternatives at the next meeting.

**Councilmember Ibarra** asked what is wrong with just saying, “ Shall safe and sane fireworks be legal in San Bruno?” City Attorney Thompson replied the language must fairly state the nature of the measure. The harder part is to ensure a no vote means no fireworks. State law is being researched now and a concern is with absent a prohibition the sell and use may still be allowed.

**Dennis Revell** of TNT Fireworks said the goal is to fairly state the measure and keep it simple. Other communities leave the details to the impartial analysis section. He would suggest using the following wording: “Should the citizens of San Bruno allow the continued sale and use of State Fire Marshall approved fireworks?”

**Mayor Franzella** asked staff to bring this matter back at the next City Council meeting.

## **7. CALL FOR, PRESENTATION OF BIDS, and AWARD OF CONTRACT.**

- a. Parks and Recreation Services Director Mazzuca recommended City Council adopt resolution authorizing amendment to the FY 2004-05 Capital Improvement Program, to appropriate \$97,659 from the Park In-Lieu Fund for the **Grundy Park Restroom Project**, and authorizing the City Manager to execute a contract and change order #1 with McNabb Construction, Inc., resulting in a total contract amount of \$84,921; and authorizing a total project budget of \$97,659.

**Mayor Franzella** clarified the agenda should read, \$60,000 has already been appropriated leaving only \$37,659 and a total project of \$97,659 and a work contract of \$84,921.

**Vice Mayor Ruane** introduced the resolution for adoption with a roll call vote of all ayes.

- b. Public Works Director Munns recommended the City Council authorize the City Manager to approve purchase of a **2005 Ford F450 Cab and Chassis** with Royal 40-V-98 Utility Body from Downtown Ford Sales.

**Mayor Franzella** clarified we are using Downtown Ford of Sacramento because it is part of a State pool and we are buying at a state price.

**Vice Mayor Ruane** introduced the resolution for adoption with a roll call vote of all ayes.

At 9:00 p.m. the meeting recessed to allow CATV to change the tape.

At 9:10 p.m. the meeting reconvened

## 8. COMMUNICATIONS:

- a. Receive letter dated May 4, 2005 from Mike Zamattia, President of the San Bruno Lions Club, requesting a Community Promotions allocation from the FY 2004-05 Budget to help offset the cost of the June 5, 2005, **Posy Parade**.

**Councilmember Ibarra** said the Club serves over 500 participants. There is cost for food and trophies and \$200 per each band performing. Total expenses are between 4 and 5 thousand dollars. In the past the City would allocate \$3000 to help with the cost of this event.

**M/S Ruane/Pallas** to allocate \$2000 to help off set the expenses and passed with a unanimous vote.

- b. Receive oral update regarding Samtrans proposal to eliminate weekend service to the San Bruno BART Station.

City Manager Jackson said there is a very serious financial deficit at BART. The size is 50 million dollars and BART is considering any and all options. One option was the possibility to utilize the garage spaces for airport parking. Samtrans has proposed elimination of weekend service at both South San Francisco and San Bruno BART stations for additional savings. There will be more discussion over the next few weeks.

**Councilmember Pallas** said BART overbuilt South San Francisco and San Bruno and the system could not handle the traffic if both garages were full each day. BART convinced us to build our police department near their station and I don't trust them.

## 9. STAFF REPORTS:

Interim Community Development Director Jackson recommended City Council adopt resolution establishing the **Redevelopment Advisory Committee** and appointing current members of the Project Area Committee to the new committee.

Housing and Redevelopment Manager Sullivan gave the staff report. The PAC committee started in 1998 as required by State law to assist with the completion of the Redevelopment Plan. Now that the plan is complete, staff is recommending appointment of the existing members to the new committee with half the members having terms expiring October 2006 and half expiring October 2008 as required by City policy.

**Mayor Franzella** asked how we would determine which members received which terms?

Manager Sullivan replied we would draw straws unless the Council has another idea.

**Mayor Franzella** said the Council should maintain the appointment authority and should decide who is appointed and for how long. For the existing members, their names could be put in a hat and drawn to determine a short or longer term. Since it will be a 7-member committee, a notice of vacancy will not be needed until it drops below 7 members. It is important to have this group continue and they have done a great job. Their new role should be made clear and guidelines set.

**Councilmember Ibarra** asked how significant are some of the categories such as a renter residential tenant? Manager Sullivan said that is a vacant position now; however, the goal would be to have a renter on the committee.

**Councilmember Ibarra** said he does not know when there would be a vacancy and why not open it up to all to apply and start with a clean slate?

**Mayor Franzella** said members should meet any one of the criteria to serve on the committee but not limited to any one category. Require the members to live in or own a business in the project area.

**Councilmember O'Connell** said their neighbors elected the members currently on the PAC committee and since the projects are underway we should use the history and knowledge of the committee members and encourage them to serve on the new committee.

**Councilmember Ibarra** said what about giving all members one year? Mr. Sullivan said we need to stagger terms so there is some bank of knowledge remaining.

**Councilmember Pallas** asked if all of the current eight PAC members want to serve? Mr. Sullivan replied yes.

**Councilmember O'Connell** made a motion to accept the recommendation of staff and structure the committee so existing members make up the new committee, draw straws to serve 1 or 3 years, and remain at 8 members until one drops. **Pallas seconded motion.**

**Mayor Franzella** said if one year from now there are still 8 members do you appoint 3 or 4 members?

**Councilmember O'Connell** called for a vote on the motion, Ayes, Pallas & O'Connell, No's, Franzella, Ibarra, and Ruane. **Motion failed.**

**Mayor Franzella** made a motion to establish a committee made up of eight members currently on the PAC committee, they must hold a category currently in the Redevelopment Project Area and terms are staggered half at 1 year and half at 3 years, and continue the committee at 8 and after one year there are four openings and it will be opened up like any other committee, and if only 3 apply it would be a 7 member committee. If four apply it would remain an 8-member committee as long as the existing members re-apply and it is still open to anyone to apply. **Second by Pallas** and passed by unanimous vote.

City Manager Jackson said staff would bring back an amended resolution and by-laws for the new committee.

## **10. REPORT OF CITY ATTORNEY - RESOLUTIONS & ORDINANCES: None**



**11. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:**

**No one wished to address the Council**

**12. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:**

- a.** Council Ad Hoc Fireworks Stands Committee (Franzella/Pallas) recommends Council grant **17 fireworks stand permits**. Approval is based upon finding that the non-profit organizations meet requirements of Resolution 2005-25 and Ordinance No. 1700. All stand locations are subject to the approval of the Fire Chief.

**M/S Ruane/Ibarra** to approve and passed with a unanimous vote.

- b.** Parks and Recreation Services Director Mazzuca recommends the City Council receive report on citizen committee recommendations to **Honor Veterans** and provide direction to staff.

(This item was moved up after item 5. public hearings.)

**13. NEW BUSINESS: Councilmember Pallas** wished his wife Ruth a happy 47<sup>th</sup> wedding anniversary.

**14. ADJOURNMENT:** With no further business to transact meeting adjourned to the next regular City Council meeting of Tuesday June 14, 2005, 7:00 p.m. at the Senior Center, at 1555 Crystal Springs Road.

**Respectfully submitted for approval  
at the regular City Council meeting  
of June 14, 2005.**

**Ed Simon City Clerk**

**Larry Franzella, Mayor**